

(2021) 01 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 34537, 34594 Of 2020 (O&M)

Gagandeep Singh And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 323, 324

Citation : (2021) 01 P&H CK 0018

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Jaswinder Singh Grewal, Manpreet Kaur, Dhruv Dayal

Judgement

Gurvinder Singh Gill, J

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Gagandeep Singh, Tejinder Singh, Ram Kumar and Mahinder

Kumar seeking quashing of FIR No.136 dated 21.9.2020 registered at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka under Sections

323, 324, 148, 149 of Indian Penal Code and Sections 25 and 27 of Arms Act as well as for DDR No.47 dated 21.9.2020 under Sections 324, 323 and

34 of Indian Penal Code (wherein offence under Section 325 IPC was added later on) in FIR No.136 dated 21.9.2020 registered at Police Station

Sadar Abohar, Tehsil Abohar, District Fazilka under Sections 323, 324, 148, 149 of Indian Penal Code and Sections 25 and 27 of Arms Act and all

subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

2. Pursuant to order dated 30.10.2020, a report of learned Judicial Magistrate 1st Class, Abohar is received, wherein it has been reported that

statements of both the parties have been recorded to the effect that they have entered into a compromise. The relevant extract from the said report to read as follows:

“The petitioners/accused as well as injured of each case named above in their respective statements have stated that now with the intervention of respectables they have compromised with each other without any pressure, coercion and with their free will. So, in view of the statements of petitioners/respondents of the cases referred above, it is quite evident that the compromise has been effected between the complainant and accused voluntarily, without any threat or coercion or undue influence and appears to be valid & genuine. This Court is satisfied that the FIR/DDR sought to be quashed through above said petitions can be quashed.

3. It has further been reported that as per an affidavit filed by Sh. Avtar Singh, PPS, DSP (Rural), Abohar, Tehsil Abohar no other criminal case is pending against any of the petitioner in either of the two cases.

4. In view of the aforesaid position, wherein both the parties in respect of which cross-version have been recorded are stated to have compromised voluntarily and none of them is stated to be involved in any other criminal case and bearing in mind the law laid down by Full Bench of this Court in

2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab both the petitions are hereby accepted and the FIR No.136 dated 21.9.2020

registered at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka under Sections 323, 324, 148, 149 of Indian Penal Code and Sections 25 and

27 of Arms Act as well as for DDR No.47 dated 21.9.2020 under Sections 324, 323 and 34 of Indian Penal Code (wherein offence under Section 325

IPC was added later on) in FIR No.136 dated 21.9.2020 registered at Police Station Sadar Abohar, Tehsil Abohar, District Fazilka under Sections 323,

324, 148, 149 of Indian Penal Code and Sections 25 and 27 of Arms Act and all subsequent proceedings emanating therefrom are hereby quashed qua

petitioners.